

REMARKS

Applicant gratefully acknowledges the Examiner's comments in the outstanding Office Action. A request for a three (3) month Extension of Time under 37 C.F.R. 1.136(a) to respond to the outstanding Office Action is being included herewith along with the appropriate fee. In the outstanding Office Action, the Examiner rejected claims 1-20 variously under 35 USC 102 and 103. Applicant has amended the claims of the application and believes that it now meets all of the Examiner's objections and rejections and is patentable over the cited art.

More particularly, the Examiner rejected claims 1,2,5-13 and 15-19 under 35 USC 102(b) as being anticipated by Nishino. Specifically, the Examiner stated that Nishino discloses the capacitor of the present invention which supposedly includes "a conductive rubber layer (such as conductive elastomer 13) disposed on the exterior surface of the each of the cathode and anode...and a metallic coating (such as layer 22 shown in fig. 10) interposed between each the rubber layer and its adjacent current collector to reduce the contact resistance in the double-layer capacitor (see col. 9, lines 50-51)". Unfortunately, the Examiner has misinterpreted this reference, and the Applicant traverses this rejection as being applicable to the now amended independent claims 1, 9 and 16, and the claims dependent thereon.

The conductive rubber layer 13 (see fig.6) is in fact discussed by Nishino as being part of the prior art (see col. 1, lines 30-35), not as part of his invention. Therefore, a metallic coating is not interposed in the Nishino structure between the rubber layer and its adjacent current collector because the rubber layer is not even disclosed as part of the inventive capacitor of the reference. Moreover, the metallic

coating 22 disclosed by Nashino is in fact a "conductivity improving agent 22 such as conductive paint for raising conductivity" and is carried by "activated carbon fiber 23" (see col. 4, lines 31-34). The reference does not disclose, or even suggest, a metallic layer specifically interposed between a capacitor's conductive rubber end layer and its adjacent current collector for the specific purpose of reducing the contact resistance between the rubber end layer and the current collector as well as reducing the internal cell resistance present in the capacitor, as now specifically claimed in the independent claims of the present application. Therefore, Applicant believes that the claims, as now amended, are neither anticipated by nor made obvious in view of the cited references.

Accordingly, Applicant believes that claims 1, 19 and 16, as amended, and the remaining claims dependent thereon are patentable under 35 USC 102 and 103 and over the cited references, and Applicant respectfully requests reconsideration of the subject application and allowance thereof.

Respectfully Submitted,

John L. Isaac
Registration No. 26,282
Attorney for Applicant

Date: Jan. 16, 2004

John L. Isaac, Esq.
Isaac & Associates
143 Union Blvd., Suite 900
Lakewood, Colorado 80228-1829
Telephone: 720-962-9300
Fax: 720-962-9361
Email: john@isaaclaw.com